

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 19-CV-3911

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JOEL UVILES, on behalf of :

himself and all others :

similarly situated, :

Plaintiff, :

v. :

THE CITY OF NEW YORK, and :

ANTHONY J. ANNUCCI, Acting :

Commissioner for the New York :

State Department of Corrections :

and Community Supervision, in :

his official capacity, :

Defendants. :

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DEPOSITION OF GWENDOLYN HOGAN

(This proceeding was conducted via Zoom.

All participants appeared remotely.)

REPORTED BY: Deanna J. Dean, RDR, CRR

JOB NO. 191214

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Friday, March 19, 2021

1:34 p.m.

Deposition of GWENDOLYN HOGAN, held
via Zoom videoconference, before Deanna J.
Dean, a Licensed Court Reporter, Registered
Professional Reporter, Registered Diplomat
Reporter, and Certified Realtime Reporter.

A P P E A R A N C E S:

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Gwendolyn Hogan

P R O C E E D I N G S

GWENDOLYN HOGAN

a witness called for examination, having been
first duly sworn according to law, was deposed
and testified as follows:

EXAMINATION

BY MR. WERTHEIMER:

Q. Good afternoon, Ms. Hogan. I'm just
going to do a few introductory ground rules,
just to make our lives easier, before getting
into questions.

So just as we're doing this, only
one of us can speak at a time so that the court
reporter can get down each of our -- my
questions and your testimony.

If you are confused by any question
that I ask you, just let me know and I'll try
to rephrase it. If you don't tell me that you
are confused, I'll expect that you understood
the question.

You have to give verbal answers.
You can't nod or say "mm-hmm," because the
court reporter has to be able to get down your
answers.

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2 Do you understand all that?

3 A. Yes.

4 Q. And if you need to take a break at
5 any time, just let me know. Breaks are fine,
6 but if there's a question outstanding, I'm just
7 going to ask that you answer that question
8 before asking to take a break. Okay?

9 A. Yes.

10 Q. Have you ever been deposed before?

11 A. I don't -- no. No, I have not.

12 Q. Have you ever testified in a civil
13 matter before?

14 A. No.

15 Q. Have you testified in any criminal
16 matters before?

17 A. Yes. I work at parole. I also
18 worked at ACS and I testified in hearings
19 there. I worked at probation and I testified
20 in hearings there.

21 Q. Got it.

22 So you are familiar with testifying,
23 it sounds like?

24 A. Yes.

25 Q. Okay. And did you review any

1 Gwendolyn Hogan

2 documents to prepare for this deposition?

3 A. Just the exhibits that were sent to
4 me about a half hour ago.

5 Q. Okay. Prior to today, did you
6 review any documents?

7 A. No, I did not.

8 Q. And without getting into the
9 substance of the communications, did you
10 prepare for this deposition with an attorney?

11 A. Yes.

12 Q. And that was Ms. Collins?

13 A. Yes.

14 Q. And for how long did you meet?

15 A. About an hour, if that long. About
16 60 minutes, maybe a little less.

17 Q. And that was by phone. Correct?

18 A. Correct.

19 Q. Okay. And are you located in
20 Brooklyn?

21 A. Yes.

22 Q. And do you still work at Brooklyn 4
23 as you did in 2018?

24 A. Yes.

25 Q. And are you still a supervising

1 Gwendolyn Hogan

2 parole officer?

3 A. Yes.

4 Q. How many people do you oversee in
5 your role as a supervising parole officer?

6 A. Well, that varies. Are you asking
7 me how many I'm supervising currently?

8 Q. Yes.

9 A. Currently, I supervise nine parole
10 officers.

11 Q. And in 2000 -- in May of 2018 how
12 many parole officers were you supervising?

13 A. At that time we were fully staffed.
14 Maybe we had four senior parole officers. So I
15 was only supervising seven POs.

16 Q. Okay. So there are 28 parole
17 officers in Brooklyn 4 at a given time, give or
18 take?

19 A. Correct.

20 Q. And so in -- at the time -- at the
21 time you had four people overseeing 28, and now
22 you have about -- you have three people
23 overseeing 28. Is that correct?

24 A. Well, it's less than 28 now. We
25 have actually -- we are very short staffed. So

1 Gwendolyn Hogan

2 it's about -- it's about 19.

3 Q. Okay.

4 A. Or 20. And there are two CUs right
5 now covering.

6 Q. And in May of 2018, how many
7 parolees did the parole officers that you
8 supervised have in their supervision?

9 A. Again, that varies, because it
10 depends on what type of parole officer they
11 are. If they are a specialized parole officer,
12 they would have fewer cases than a regular PO.
13 "Specialized" meaning we cover sex offenders;
14 we have gangs; we have mental health. So those
15 are all considered specialized case loads, so
16 they are not supposed to carry more than 25
17 cases.

18 Q. Got it.

19 So the specialized officers have
20 fewer because it is a more intensive job?

21 A. Correct.

22 Q. And Ms. Von Evans, who you
23 supervised in 2018, was a regular parole
24 officer. Is that right?

25 A. I don't recall. I would have to --

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2 the reason I'm not sure, she did at one point
3 switch over to be the DV officer, which would
4 have given her a smaller caseload. I believe
5 it was after June -- I mean after this, but I'm
6 not 100 percent positive.

7 Q. That's fine.

8 How long did you supervise Ms. Von
9 Evans?

10 A. Prior to this case we are speaking
11 of or in general?

12 Q. In general. What is -- in general.

13 A. Okay. Well, here's where that gets
14 tricky, because I was a supervisor in Brooklyn
15 4 from April until June of 2018, at which point
16 I was supervising Ms. Von Evans. Then I was on
17 loan or loaned out to another bureau that was
18 short-staffed. So I left Brooklyn 4, so
19 someone else was supervising her, for
20 approximately eight months. And then I came
21 back -- no, I'm sorry. The first time was four
22 months. Then I came back. I was in Brooklyn 4
23 for about two months, and then I was loaned out
24 again to another bureau --

25 Q. Understood.

1 Gwendolyn Hogan

2 A. -- for eight months.

3 And by the time I came back, Ms. Von
4 Evans transferred to Queens.

5 Q. Understood.

6 And so now I want to have you look
7 at a document that you have titled as Annucci
8 29.

9 A. Okay. Give me a second. I have it
10 up. I just need to open that one.

11 Q. So do I.

12 A. Okay. Yes.

13 MR. WERTHEIMER: Okay. And I
14 believe in the last -- should we keep the
15 numbering the same from the last one? Do
16 we want to do that?

17 MR. KRIST: Same.

18 MS. COLLINS: Mm-hmm.

19 MR. WERTHEIMER: So we marked this
20 one as which one? 5 the last time? Is
21 that right? Or 4.

22 I'm sorry. I was like --

23 THE WITNESS: No, that's fine. It
24 gave me a chance to take a drink.

25 MS. COLLINS: We marked it Exhibit

1 Gwendolyn Hogan

2 3.

3 MR. WERTHEIMER: 3? Okay. 3.

4 Thank you. Apologies.

5 Q. Ms. Hogan, do you recognize this
6 document?

7 A. Yes, I do. It's the directive.

8 Q. Okay. And is this a directive that
9 you review frequently?

10 A. Well, review frequently, no.
11 However, I was a PRS for two and a half years,
12 so I reviewed it frequently as a PRS, and I
13 only stopped being a PRS approximately two
14 months before this particular case. So in
15 April of 2018.

16 Q. When you say "PRS," what does that
17 stand for?

18 A. Oh, I'm sorry. That is a parole
19 revocation specialist, the parole division's
20 quote/unquote prosecutor.

21 Q. Understood.

22 So you prosecuted parole revocation
23 cases before becoming a supervising parole
24 officer?

25 A. Correct. So this directive --

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2 Q. So you were --

3 A. Sorry.

4 This directive was basically our
5 guideline for the whole PVU unit, so I'm
6 familiar with it.

7 Q. Understood.

8 So I want to direct your attention
9 to the top of that document and just ask you a
10 few questions about the terms in that document
11 as best you understand them.

12 A. Okay. Sure.

13 Q. Okay. The first thing that I want
14 to ask is, there's a phrase there that says "A
15 supervisor may void a warrant provided the
16 violation warrant has not been enforced."

17 Do you see that?

18 A. Correct.

19 Q. What is your understanding of what
20 it means for a violation warrant not to have
21 been enforced?

22 A. That means if it has not been lodged
23 with corrections. It's enforced once he --
24 corrections get it and he is lodged. That is
25 the date that they use for enforcement.

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Q. Okay. So let's -- if a parolee violates their parole with a technical violation, not by being arrested but by some other manner that leads to a technical parole violation and a warrant is issued, that would be the enforcement of the warrant. Correct?

A. No.

Q. No. Okay.

A. The warrant is issued -- if he's physically in the building, the warrant is issued. We drive him down to corrections. Corrections, we turn over the body and the warrant. The warrant is now enforced.

Q. Okay. Now, in a second scenario where somebody is arrested and being held pursuant to charges and then a warrant is also lodged against them, that is still considered enforced under these terms. Is that correct?

A. Correct, because it was lodged against him.

Q. Okay. So the only thing that matters under the terms of this directive is whether it was enforced, not whether it was the only document holding them in a facility.

1 Gwendolyn Hogan

2 Correct?

3 A. Correct. Well, in order for it to
4 be holding him in the facility, it had to have
5 been enforced. He cannot be in a facility
6 without it being enforced.

7 Now, when you say "facility," do you
8 mean jail or do you mean the police station?
9 I'm -- just for clarification.

10 Q. In jail.

11 A. Okay. Then it has to be enforced.
12 There's no way that he could be in jail and it
13 have not been enforced.

14 Q. Okay. I just want to just drill
15 down here for one second. So let's
16 take Mr. Uviles' case.

17 As you understand it, he was
18 arrested on a domestic violence charge. Is
19 that correct?

20 A. Correct.

21 Q. And without the issuance of the
22 parole warrant, as you understand it, would he
23 have been held at Rikers on those charges?

24 A. I have no idea. That would have
25 been up to the criminal court.

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2 Q. Okay. Suppose he was arrested, or
3 suppose a parolee was arrested before a parole
4 warrant is issued; they were remanded and not
5 given a bail, so they were in jail for the
6 time; and then the parole warrant was issued.

7 In that scenario, that's still
8 enforcement once it's lodged?

9 A. Correct. Once -- yes.

10 Q. Okay. And turning to the next
11 phrase in that sentence where it says
12 "provided the violation warrant has not been
13 enforced and no delinquency action has been
14 declared."

15 Do you see that?

16 A. Correct. Yes, I see it. I'm sorry.

17 Q. What does it mean for a delinquency
18 action to have been declared?

19 A. That means he has to be declared
20 delinquent by the Board of Parole. There's
21 paperwork that has to be filled out and
22 submitted by the Board of Parole that declares
23 him delinquent. That basically stops the
24 parole time.

25 Q. And is that -- how does the Board of

1 Gwendolyn Hogan

2 Parole consider whether to declare an
3 individual delinquent?

4 A. Well, they are -- they are two
5 separate ways, I guess, for lack of a better
6 term. If someone is an absconder, meaning we
7 don't know where they are, we will issue the
8 warrant to -- the senior will do a bureau
9 analysis, the bureau chief will sign off on it,
10 we will submit the paperwork to the Board of
11 Parole, and they will agree that a warrant
12 should be issued and it would declare him
13 delinquent. So he would already be in the
14 system. He would already be declared
15 delinquent. If he was picked up at a later
16 date and the warrant fell on him at that point
17 and he was lodged, he was already declared
18 delinquent.

19 Do you understand that part? Like,
20 am I clear? That's only one scenario. I just
21 want to make sure that --

22 Q. I think -- I think I believe that.
23 Okay. Or understand that.

24 What is the second scenario?

25 A. So the second way is if we write a

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warrant basically like in this case, a new arrest warrant, we would do the warrant. The person would serve him -- would get served -- and this is just general. A person would get served. They would elect to have a prelim or not have a prelim. If they elected to not have the prelim and it goes straight to the final, then the bureau analysis would be done and he would be sent off and the board would declare him delinquent.

If he elects to have a prelim, we do not declare them delinquent right away because if we lose the prelim, the warrant is thrown out. But if they get probable cause and he's held over for a final, then it comes back to the senior who then does a bureau analysis. It is submitted to the bureau chief who signs off on it and sends it to the Board of Parole and he gets declared delinquent.

Q. Okay. So until there is a preliminary hearing, if it has not been waived, then there is not a delinquency action that has been declared. Correct?

A. In the case of a new arrest,

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2 correct.

3 Q. Of a new arrest, say non-absconder?

4 A. Correct. That's a better term, yes.
5 The non-absconder.

6 Q. Okay.

7 A. Sorry. I'm just going to turn the
8 ringer off my phone. That's why I'm looking
9 down.

10 Go ahead

11 Q. That's fine.

12 A. I just heard it beeping. I'm like
13 let me turn that off.

14 Okay.

15 Q. Okay. And in that scenario where
16 the delinquency has not been declared, how
17 is -- how did a warrant be vacated?

18 A. We have to do a bureau analysis,
19 submit -- requesting that the warrant be lifted
20 or cancelled, and we have to give a reason:
21 untimely service; incurable defect; there is
22 not enough time to give them a hearing. Those
23 are some of the reasons that they would be
24 cancelled, and it has to be sent over to -- the
25 bureau chief has to sign off on it. It gets

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sent over to PBU or the Board of Parole, and then they would sign off agreeing to lift the warrant, because at that point it's already in their system. And then a parole officer -- once we get the paperwork back saying that the warrant can be lifted, a parole officer has to go to whichever facility the person is being held with a warrant lift form to give to the Department of Corrections, who will then take our warrant off the body. And he can -- he's free to leave.

Q. So it's your understanding that until the -- until DOCCS lifts the warrant, the City DOC cannot release a parolee. Is that correct?

A. Not on ours, yes. But that's correct. We have to give them the paperwork. DOC can't just let them out without our paperwork.

Q. And what is -- where did you gain that understanding?

A. Which understanding?

Q. That DOC has to receive your paperwork in order to release a parolee on a

1 Gwendolyn Hogan

2 parole warrant.

3 A. From experience from working here.
4 From having correction officers call and say,
5 "This guy says his warrant is lifted," and
6 we're like, "No, it's not." And, actually,
7 also, like I said, from being a PRS, I am aware
8 of the warrant lift forms, because sometimes in
9 the hearing process the warrant is lifted right
10 then and there. So we have to fill out the
11 form and give it to corrections right then and
12 there, and it is attached to what they call the
13 movement card, and they know that when this
14 person gets back to the facility, they process
15 him out.

16 Q. So your understanding is that New
17 York City Department of Corrections' policy is
18 not to release an inmate until they have
19 received the warrant lift from DOCCS?

20 A. Well, an inmate in on our warrant,
21 correct.

22 Q. Okay.

23 A. I just want to make that clear. If
24 they're being held only on our warrant, then
25 they cannot be released until we give them the

1 Gwendolyn Hogan

2 warrant lift form.

3 Q. Okay. I guess my question is is
4 that a city policy, in your understanding, or a
5 state policy, in your understanding, or both?

6 A. I will say that that is what we are
7 required to do here at this job. I can't tell
8 you what the city policy is, because I don't
9 work for them. I just know that in order for a
10 parolee to be released from New York City
11 Corrections, and they're only held on our
12 warrant, he cannot be released until we give
13 them the warrant lift form which basically
14 cancels out the warrant.

15 Q. And you said in your experience
16 you've received calls from employees at the New
17 York City Department of Corrections asking you
18 to lift warrants or -- or about the status of a
19 warrant lift for an inmate who is claiming that
20 they should be released?

21 A. Correct.

22 Q. And the New York City Department of
23 Corrections' employees communicate to you that
24 they can't let the inmate out until you provide
25 them with the form. Correct?

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2 A. Well, the question is usually, you
3 know, this guy is saying his warrant was
4 lifted. He's supposed to get out. You know,
5 is that the case? And we'll look in the
6 computer and we'll see. No, his warrant wasn't
7 lifted. He's not getting out.

8 However, has anybody ever asked me
9 on the phone for a warrant lift form? No.

10 Q. They have not asked you, but they've
11 said -- in your experience, you've -- excuse
12 me. Strike that.

13 You have received calls in your time
14 as a supervising parole officer from DOC city
15 employees asking -- communicating that inmates
16 have said their warrant was supposed to be
17 lifted, and asking you about the status of the
18 warrant lift?

19 A. Yes.

20 Q. Okay. Thank you for following along
21 with me there.

22 So from this directive -- I'm
23 looking at E2 now.

24 A. Okay.

25 Q. So this is after enforcement of a

1 Gwendolyn Hogan
2 warrant but prior to the preliminary hearing or
3 waiver of such hearing, a board member may
4 vacate a warrant upon a request.

5 So this -- do you see that paragraph
6 there?

7 A. Yes. Yes.

8 Q. Okay. So this scenario is where a
9 parole hearing date has been set and it hasn't
10 been waived -- this is an example. It's been
11 set, it hasn't been waived, and then you
12 decide, for whatever reason, to request that a
13 warrant be vacated. You would have to fill out
14 this supplementary violation of release form
15 and send it to the board. Correct?

16 A. Correct. Well, we have this -- it
17 would be a -- the supplemental violation of
18 release report, the parole officers actually
19 fill out. I would do the bureau analysis form,
20 the whole packet would go together, and it
21 would be submitted to the bureau chief, who
22 then forwards it to the board.

23 Q. Okay. So turning back to E1, and
24 looking at the first sentence, what -- excuse
25 me.

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2 Is there anything in this directive
3 that indicates that the board is required to
4 void the warrant and not merely a supervise --
5 not to say "merely" -- but that it can't be
6 voided just by a supervising parole officer?

7 MS. COLLINS: Objection to the form.

8 This is not the complete directive.

9 It's just a page.

10 MR. WERTHEIMER: Understood. I'll
11 rephrase it.

12 Q. Can a supervising parole officer
13 void a warrant where no delinquency has been
14 declared without the Board of Parole --

15 A. Not if it has already --

16 Q. -- signing off on that voiding of
17 the warrant?

18 A. Sorry.

19 Not if that has already been
20 enforced. If we wrote a warrant and it's in
21 the system -- I'll use an example of an
22 absconder, because that's easiest. If we wrote
23 an absconder warrant and we didn't know where
24 he was, and then we get a call from a program
25 that says, hey, he's in a program, he's been

1 Gwendolyn Hogan

2 here for so-and-so months, and we can prove
3 that he was in a drug rehabilitation program,
4 that warrant hasn't been enforced. We can then
5 lift it. We can get rid of it.

6 Q. So your understanding is that where
7 it has neither been enforced nor a delinquency
8 action declared, then you may void it?

9 A. Yes.

10 Q. But if -- okay.

11 You'll have to bear with me as I go
12 through this here.

13 A. No, that's fine.

14 Q. I am required to jump through a
15 number of my screens.

16 A. I'm going to step away for just a
17 second because the phone is dying. I want to
18 plug it in.

19 Q. Okay.

20 A. Okay. I think I should be good now.
21 I don't want to go through all this and get on
22 the phone and get on the line just to have it
23 die.

24 Q. Okay.

25 A. Okay. Now it's charging. Okay.

1 Gwendolyn Hogan

2 Q. I want to turn now to -- you
3 received a document that's titled Annucci
4 20-14.

5 A. Okay. Yes.

6 MR. WERTHEIMER: And this is -- I
7 believe we marked this as Exhibit 2.
8 Correct?

9 MS. COLLINS: Yes.

10 Q. Okay. Ms. Hogan, do you recognize
11 this type of printout?

12 A. Yes.

13 Q. And this is a printout from the
14 Chronos system or CMS. Is that correct?

15 A. Yes.

16 Q. And I want to turn to the page
17 that's the second page of the PDF. It's
18 Annucci 19.

19 A. Okay.

20 Q. And I want to go to the -- I'm
21 sorry -- to Annucci 17.

22 A. Okay.

23 Q. And to the bottom there.

24 A. Mm-hmm.

25 Q. This was an entry you made.

1 Gwendolyn Hogan

2 Correct?

3 A. Yes. The very last one.

4 Q. The very last one, yes. That's the
5 one I --

6 A. Yes.

7 Q. Although you review the CMS and
8 Chronos entries for -- or at the time reviewed
9 them for Ms. Von Evans. Correct?

10 A. Yes.

11 Q. And would you -- were you required
12 to review all of the CMS and Chronos entries
13 for the parole officers that you supervised?

14 A. I'm required to do case conferences
15 once a month with all the parole officers that
16 I supervise. Part of the case conference is
17 going over the notes, seeing what has been
18 done, what needs to be done. So that's why you
19 will see SPO review all has the same date
20 because it's the case conference date.

21 Q. Understood.

22 So you would go through all of the
23 entries at one time?

24 A. Not all of them, but I review them.
25 I'm not going to say every one, but we -- I

1 Gwendolyn Hogan

2 read them, go through them, see what needs to
3 be done.

4 Q. Okay. Now, in this case, you put in
5 an entry that says that a bureau analysis was
6 submitted canceling delinquency due to untimely
7 service.

8 A. Yes.

9 Q. What led you to cancel for untimely
10 service in this case?

11 A. Because it was brought to my
12 attention by PO Von Evans that he was arrested
13 and had not been served. So it was past three
14 days that we are allowed to do service, so
15 therefore we had to cancel delinquency.

16 Q. When you say three days -- excuse
17 me. Strike that.

18 What was Mr. Uviles required to be
19 served with?

20 A. His violation of parole paperwork
21 and the hearing paperwork. It's called a
22 notice of violation. He's supposed to be
23 served with the actual violation report, the
24 notice of violation, at which time he would be
25 asked if he wanted a prelim or a final, and

1 Gwendolyn Hogan

2 that is the paperwork that he is required to be
3 served with.

4 Q. And that report is known as a 9011.
5 Is that correct?

6 A. The one-page piece of paper is known
7 as a 9011. The rest of it is the VOP or
8 violation of release report.

9 Q. And if the violation of release
10 report is -- is not served on the parolee
11 within the three days, what steps are you
12 required to take as the senior parole officer?

13 A. Well, first, we would have to know
14 why he wasn't served within three days.
15 Because certain things like he was sick, he was
16 unavailable, corrections had issues meaning
17 like the jail was on lockdown, things that were
18 not in our control, then we would -- we still
19 continue on.

20 However, if it was nothing that was
21 beyond our control and it just didn't get done
22 for whatever reason, I as the senior parole
23 officer is then required to do the bureau
24 analysis by conferencing with the bureau chief.
25 But we do the bureau analysis to vacate the

1 Gwendolyn Hogan

2 warrant so that this person could be let out.

3 Q. Are you required to communicate
4 anything to the City Department of Corrections
5 in this case?

6 A. At that point, no.

7 Q. Okay. And is it your understanding
8 that failure to serve the violation of parole
9 papers does not impact the validity of the
10 warrant itself?

11 MS. COLLINS: Objection. But you
12 can answer.

13 You can answer, Officer.

14 THE WITNESS: Oh, I'm sorry.

15 A. I don't understand the question.

16 Q. Let me ask it a different way.

17 The parole warrant is a separate
18 document from the violation of parole papers.
19 Correct?

20 A. Correct.

21 Q. And a parole warrant is -- well, let
22 me -- strike that.

23 Let me ask, how does a parole
24 warrant get issued by your office?

25 A. I'm not understanding -- I don't

1 Gwendolyn Hogan

2 understand what you mean by how does it get
3 issued. What do we base it on or how is it
4 physically done? I'm not understanding the
5 question.

6 Q. I'm asking how is it physically
7 done?

8 A. There's a book with warrants in it.
9 It's called a warrant book. You get it. You
10 fill out the name, the NYSIN number, the DIN
11 number. The senior parole officer signs off on
12 it, and then we input it into our system, our
13 violator system on TMS -- not TMS. I'm sorry.
14 On mainframe. There is what's called the
15 violator system. We have to input the warrant,
16 the information on the warrant, what kind of
17 warrant it is, what the charges are, and we
18 input it into the system.

19 Q. And when you input it into the
20 system, does that communicate the information
21 to other agencies?

22 A. If it is an absconder warrant, then
23 it is entered into the DOC -- DO -- the
24 Department of Justice, and they would go on as
25 a want. So it would go across all law

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enforcement, so they know that this gentleman is wanted -- or lady -- I'm sorry; that's sexist -- this person is wanted by New York City DOCCS.

If it's a technical warrant, that's for our system only so that we know that we have a warrant. It does not go to any other systems until we physically enforce it.

Q. Okay. So let's go up to Annucci 20. That's the first page of the document.

A. Okay. Yes.

Q. So I'm looking at the large entry from 5/22 -- 5/20/18 from Johnny Ortiz where you are the supervising parole officer.

Do you see that?

A. I am not the supervising parole officer. Von Evans' name is listed as the parole officer because it is her case. So anytime anybody makes an entry in there, you will see my name and Von Evans' name, but the person who made the entry is -- you know, it will say "entered by."

So I am not Mr. Ortiz's supervising parole officer, just for clarification.

1 Gwendolyn Hogan

2 Q. Understood. Understood. Okay.

3 So at the case conference for
4 Mr. Uviles, did you review this entry as the
5 supervising parole officer for Ms. Von Evans?

6 A. This entry occurred prior to 6/12.
7 So, no. I did not -- I'm not understanding the
8 question. Maybe you should ask it another way.

9 Q. Well, you said prior to 6/12. What
10 happened on 6/12 such that you would be -- you
11 began reviewing entries in this action?

12 A. It's just a day I pick to do case
13 conferences. I have a month, I schedule a PO a
14 day, and I do case conferences. There was
15 nothing particularly special about 6/12.

16 Q. Okay. So at the bottom of that
17 entry that we were just looking at where it
18 says "SPO review, 6/7/2018," that is not
19 referring to your review of the entry?

20 A. I don't believe so. I'm not -- no.

21 Q. Okay. Looking at this entry -- and
22 this just if you have an understanding. If you
23 do not, that's okay -- it says the warrant
24 0807930 was issued and emailed to the 18th
25 precinct officer.

1 Gwendolyn Hogan

2 A. Mm-hmm.

3 Q. Is your understanding that emailing
4 the warrant, the parole warrant, gives that
5 officer sufficient authority to hold a parole
6 violator?

7 MS. COLLINS: I'm going to object to
8 that question, but you can answer.

9 A. It's not really a yes-or-no
10 question. Yes, we send it -- common practice
11 is when -- this is actually -- he works in
12 CSOP, which is the overnight unit, so his
13 supervisor is Stanley. But the common practice
14 is, if we know what's to hap -- what's going
15 on, which we did, they contact the police
16 station, find out the details. When it's
17 determined that a warrant would be issued, one,
18 it would be sent over to the arresting officer;
19 or if he had already left the precinct and gone
20 to central booking, which is usually more the
21 procedure, we send it over to central booking
22 so that he would not get released. So, yes.

23 Q. After that process where it's sent
24 over to central bookings, is typical practice
25 to then go physically deliver the warrant?

1 Gwendolyn Hogan

2 A. No.

3 Q. Okay. So it's communicating the
4 warrant electronically --

5 A. Correct.

6 Q. -- is the typical practice? Okay.

7 When a parolee is then -- in a
8 scenario where a parolee is then transferred to
9 Rikers Island and held there pending charges,
10 is the typical practice then to bring a copy of
11 the warrant to Rikers Island?

12 A. Just for clarification, are you
13 saying that the person at Rikers did not
14 already have a warrant from parole on them?

15 Q. Correct.

16 A. Then, yes, we would physically take
17 the warrant with us and give it to the general
18 office so that they would know that there's a
19 parole hold on him and not release him.

20 Q. Okay. Thank you.

21 A. I'm sorry. Can I just add that
22 generally is because the person is already in
23 there on some type of bail, and we found out at
24 a later date, oh, he's in jail. So now we
25 would go before he, you know, can bail out or

1 Gwendolyn Hogan

2 get out, take the physical warrant over so that
3 they know he hasn't been paroled.

4 Q. Is it your understanding that you're
5 required to bring the physical warrant to
6 Rikers?

7 MS. COLLINS: Objection.

8 You can answer.

9 A. No. We are not -- we are not
10 required to bring the physical, as long as they
11 have a copy of the warrant, whether it gets
12 there electronically or physically. We are not
13 required to take it physically.

14 Q. Okay.

15 I actually need to take a quick
16 break. I apologize. I just need a few
17 minutes.

18 MR. WERTHEIMER: We can go off the
19 record.

20 (Recess taken from 2:15 p.m. to
21 2:17 p.m.)

22 BY MR. WERTHEIMER:

23 Q. Okay. So, Ms. Hogan, on June 7,
24 2018, you submitted a bureau analysis for
25 Mr. Uviles canceling his delinquency. Correct?

1 Gwendolyn Hogan

2 A. Correct.

3 Q. And you emailed that to Barbara
4 Felder.

5 Who is Barbara Felder?

6 A. Barbara Felder is the clerical
7 office assistant or the -- I don't mean
8 whatever. I don't want to be disrespectful of
9 her title, because she's like an MPVU. So that
10 is who we send paperwork to to get it
11 processed. That's the term we use to get it
12 sent it to the commissioners, get it declared
13 delinquent, to get what we need done done.

14 Q. What is the process between when
15 you -- to your understanding, what is the
16 understanding from when you send a bureau
17 analysis to cancel a delinquency to the
18 delinquency being cancelled?

19 A. I don't know what they do. We just
20 send it. I'm not sure when it gets there what
21 they do with it, and we wait for the analysis
22 to come back and says yes, signed off on by the
23 commissioners.

24 So I don't really -- I guess the
25 answer is I don't know their process.

1 Gwendolyn Hogan

2 Q. Okay. How long does it typically
3 take from when you submit a bureau analysis
4 canceling a delinquency to when it is received
5 back from the commissioner's office, either
6 approving or disapproving?

7 A. I don't have an exact time or -- it
8 depends on when we send it, like meaning if
9 it's the weekend, how many commissioners are
10 around that can sign off on it. So I don't
11 really have a -- I'd say a week, a week and a
12 half is the latest, and I'm going to say as an
13 extreme being the latest. Because, again, I
14 don't know what they do there. But I do know
15 that sometimes they have to find three
16 commissioners.

17 Q. So your understanding is that three
18 commissioners are required to cancel a
19 delinquency?

20 A. That is my understanding, yes.

21 Q. Is there -- in your typical
22 practice, is there an amount of time that would
23 go by from when you submitted a delinquency to
24 when you would follow up to find out the status
25 of that -- sorry -- submit a cancellation of

1 Gwendolyn Hogan

2 delinquency to follow up on the status of that
3 cancellation?

4 MS. COLLINS: Objection to the
5 foundation, but you can answer.

6 A. Sorry. I understood the question.
7 Again, it would depend on what was going on.

8 Sorry. I don't know what just
9 happened.

10 I would say at most maybe a week.
11 It depends on like if it's a holiday week or --
12 but at least -- I'd say at least a week,
13 because I'm like, well, what's going on? Why
14 haven't I heard back from you guys? Or --
15 yeah. About a week.

16 Q. In Mr. Uviles' case, after you
17 submitted the cancellation of delinquency
18 paperwork on June 7th, what was the next time
19 that you followed up on the cancellation of his
20 delinquency?

21 A. Give me a second. I'm sorry.

22 I don't recall the exact date. I
23 can say that I know Ms. Von Evans brought to my
24 attention that, you know, it still has a --
25 he's still there. You know, what's going on?

1 Gwendolyn Hogan

2 Why hasn't it been lifted? So I don't recall
3 the exact date. But once she brought it to my
4 attention, I reached out to Ms. Felder.

5 Q. And did Ms. Felder give you any
6 information in response to your communication
7 to her?

8 A. The issue was that it was not a
9 complete package, so that's why it had not been
10 signed off on, and she told me what needed to
11 be done. Ms. Von Evans needed to do a whole
12 VOP, a whole violation of release report, and
13 she took care of it. Well, I told Ms. Von
14 Evans and then she took care of it.

15 Q. Initially, you did not believe that
16 a violation of release report was required in
17 this case. Correct?

18 A. Correct.

19 Q. And what was the basis of that
20 belief?

21 A. Well, it was twofold. One, it was a
22 prior PRS, and as a PRS, I would just do the
23 delinquent, the bureau analysis or the PRS
24 analysis -- it's the same basic thing -- send
25 it in and they would sign off on it. So I just

1 Gwendolyn Hogan

2 did one, like, two months ago, so why would it
3 be different? In my mind, anyway.

4 And that the other thing that the
5 directive that you mentioned says a
6 supplemental violation of release report. He
7 wasn't violated, meaning there was no violation
8 of release report at that time, and we weren't
9 going to violate him. We were just trying to
10 get the warrant off.

11 Q. And did Ms. Felder explain -- give
12 you a reason why a violation of parole package
13 was required?

14 A. That is what they were refer -- it's
15 part of policy. It's part of the directive.
16 When they put supplemental violation of release
17 report, it should actually say violation of
18 release report and/or supplemental.

19 Q. Got it. Okay.

20 Did you receive any direct
21 communications from Mr. Uviles himself
22 regarding his incarceration at Rikers?

23 A. Not that I recall.

24 Q. Did you receive any communications
25 directly from his family members regarding his

1 Gwendolyn Hogan

2 incarceration at Rikers?

3 A. Not that I recall.

4 Q. Did you receive any direct
5 communications from attorneys working for
6 Mr. Uviles regarding his incarceration?

7 A. I did. I got an email, I believe,
8 from -- his PVU has their own -- the parole
9 defense unit, I believe it's called. The
10 attorney that represents -- was representing
11 him gave me a call inquiring, and I explained
12 that it was submitted, the bureau analysis was
13 submitted, and we were waiting to hear back.

14 MR. WERTHEIMER: To the extent there
15 is an email from his attorney, Deanna, I'd
16 just ask for it to be produced to us.

17 MS. COLLINS: Understood.

18 Q. And the substance of the
19 communications from the attorneys was asking
20 when he would be released. Is that correct?

21 A. Pretty much. Why was he still in;
22 he had been held in for a certain amount of
23 days.

24 Q. Did you ever receive any
25 communications directly from New York City

1 Gwendolyn Hogan

2 Department of Corrections staff in this?

3 A. No, not that I recall.

4 Q. Did you ever communicate directly to
5 anybody directly at New York City Department of
6 Corrections --

7 A. No.

8 Q. -- with regard to this action?

9 A. No.

10 Q. Did you ever instruct Ms. Von Evans
11 to communicate any information to the New York
12 City Department of Corrections with respect to
13 Mr. Uviles?

14 A. No.

15 Q. Did anybody from the Board of
16 Correction ever communicate to you that the
17 delay in the cancellation of Mr. Uviles'
18 delinquency was the result of a lost fax?

19 A. No.

20 Q. Did anybody ever communicate to you
21 that the cause of the delay in the cancellation
22 of Mr. Uviles' delinquency was the result of
23 commissioners being on vacation?

24 A. No.

25 Q. Did you ever have conversations with

1 Gwendolyn Hogan

2 Bureau Chief Jeffreys in regard to this case?

3 A. Yes.

4 Q. When were those conversations?

5 A. Prior to June 7th when I did the
6 analysis, or probably on June 7th, because he
7 has to sign it. So I explained to Mr. Jeffreys
8 that I needed to do the analysis for Mr. Uviles
9 and why. He said, "Okay. When you finish it,
10 give it to me," so he could sign off on it.

11 Q. I want to turn your attention to the
12 document that was sent to you titled Annucci
13 2-3.

14 A. Okay.

15 MR. WERTHEIMER: Now, I believe this
16 document, we marked as Exhibit 4 in the
17 prior deposition. Correct?

18 MS. COLLINS: Correct.

19 MR. WERTHEIMER: Okay. Thank you,
20 Deanna.

21 Q. Ms. Hogan, is this the document to
22 which you were just referring?

23 A. This is the bureau analysis -- a
24 copy of the bureau analysis that I signed on
25 June 7th, yes.

1 Gwendolyn Hogan

2 Q. And Bureau Chief Jeffreys, that's
3 James L. Jeffreys at the bottom. Correct?

4 A. Correct.

5 Q. And you marked at the top of the
6 document "no delinquency."

7 A. Mm-hmm.

8 Q. And "no new special conditions."

9 A. Correct.

10 Q. What is the difference between no
11 delinquency there and cancelled delinquency?

12 A. It's not much difference. It could
13 have been either one, because if you see, it
14 says cancel delinquency, untimely hearing,
15 incurable defect. So no delinquency, lift
16 warrant, cancel -- it's not really that much of
17 a difference. To my knowledge, it's not that
18 much of a difference.

19 The one major difference is that at
20 this point there was a warrant issued, so we
21 had to cancel it or lift it. If you see where
22 it says "cancel delinquency," there's nothing
23 mentioning a warrant.

24 Q. Understood.

25 Are you aware of whether Mr. Uviles

1 Gwendolyn Hogan

2 did enter into other special conditions after
3 this was submitted?

4 A. I don't understand the question.

5 Q. On June 10th, did you instruct Ms.
6 Von Evans to go meet with Mr. Uviles at Rikers
7 Island?

8 A. I don't remember.

9 Q. Did you instruct Ms. Von Evans to
10 ask Mr. Uviles to enter into additional special
11 conditions of his parole?

12 A. If your question is was he given
13 additional special conditions after he was
14 released, the answer is yes. Because it was a
15 domestic violence case, he would be given the
16 condition not to have contact with the victim.

17 Q. Were you aware of whether he agreed
18 to that on June 10th?

19 A. I don't recall.

20 Q. Okay. When -- strike that.

21 Are you aware of whether Ms. Von
22 Evans met with Mr. Uviles on Rikers Island in
23 June of 2018?

24 A. I would have to look at the notes.
25 I really do not remember.

1 Gwendolyn Hogan

2 So if you want me to look at the --

3 Q. No. I'm only asking for your
4 personal recollection.

5 A. Okay. Sorry. It was almost three
6 years ago. I --

7 Q. I understand.

8 Other than the instances of you
9 communicating with the Board of Correction
10 regarding the cancellation of the delinquency
11 in this case that we've already spoken of, did
12 you have other communications with them
13 regarding Mr. Uviles?

14 A. No.

15 Q. And did you have any
16 communications -- you may have already answered
17 this, and I apologize if so. But did you have
18 any communications, whether written or on the
19 phone, with anybody from New York City
20 Department of Corrections regarding Mr. Uviles?

21 A. No, I did not.

22 Q. Give me one second.

23 Are you aware of any circumstances
24 under which a parolee would be released from
25 DOC custody prior to a warrant lift being

1 Gwendolyn Hogan

2 authorized by the Board of Correction?

3 A. I -- no, I don't know.

4 Q. To go back to Ms. Felder, where was
5 she located?

6 A. Her office is in Manhattan, 340
7 West -- 340 -- no. 314 West 40th Street.

8 Q. And is that a sort of a regional
9 office --

10 A. It's the Manhattan area.

11 Q. -- that over -- sorry. Go ahead.
12 It's the Manhattan area office?

13 A. Yes. That is where PVU is located.

14 Q. So any cancellation of delinquency
15 in any of the Brooklyn offices would go to PVU,
16 and that would be communicating from PVU to the
17 Board of Corrections?

18 A. Correct.

19 MS. COLLINS: Joel, I think you mean
20 Board of Commission -- or Parole Board
21 of --

22 MR. WERTHEIMER: Yes, I did. Thank
23 you.

24 A. I understood.

25 Q. Department of -- DOC, DOCCS, BOC.

1 Gwendolyn Hogan

2 Does DOCCS maintain any systems to
3 track pending cancellations of delinquencies?

4 A. When you say "DOCCS," you mean
5 parole, like D-O-C-C-S?

6 Q. Yes. Yes.

7 A. Okay. Because both entities are on
8 the phone, and before you were referring to
9 DOCCS.

10 Q. Yes.

11 A. I believe PVU has a system, but I'm
12 not sure. I do know in the Brooklyn area
13 office when we send stuff out, there's a log
14 book that it's signed in and it tells you
15 exactly when it went out.

16 Q. And is there any system in place in
17 the Brooklyn area office, you know,
18 regarding -- regarding the -- strike that.

19 In the Brooklyn area office, do you
20 have a procedure through which you follow up on
21 any cancellation of delinquency that uses that
22 log book to ensure the timeliness of the
23 cancellation?

24 A. Not to my knowledge.

25 MS. COLLINS: Just note my belated

1 Gwendolyn Hogan

2 objection to timeliness. But -- sorry. I
3 couldn't hit "unmute" fast enough.

4 MR. WERTHEIMER: I don't think I
5 have anything further, unless after Brian's
6 questions or your questions, Deanna,
7 something comes to mind, or from those
8 questions.

9 EXAMINATION

10 BY MR. KRIST:

11 Q. Officer Hogan, the same basic
12 instructions that Mr. Wertheimer was saying
13 before. If there's anything that I say that
14 you need clarification on, just keep asking me
15 to clarify until I get it clear for you. All
16 right?

17 A. Okay.

18 Q. If one of your parole officers
19 communicated to City DOC that a warrant was
20 being lifted or that your office was asking for
21 it to be lifted, is that something that you
22 would expect to be documented in either Chronos
23 or CMS?

24 A. Yes.

25 Q. Is that an expectation on your part

1 Gwendolyn Hogan

2 just as a supervisor, is this something you do,
3 or is that a parole policy?

4 A. That is a parole policy. Everything
5 is to be documented in CMS.

6 Q. And Ms. Hogan, to clarify, what is
7 your -- if you understand, is there any
8 difference between a hold and a warrant for --
9 a parole hold and a parole warrant at DOC?

10 A. To my knowledge, there's no
11 difference.

12 Q. And to your knowledge, when was the
13 warrant lifted in this case?

14 A. I believe it was June 28th.

15 Q. And the New York City Department of
16 Corrections, does City DOC have any role in the
17 process of getting a parole warrant lifted?

18 A. I don't understand your question.

19 Q. You were explaining a little bit
20 before -- and correct me if I'm wrong -- how
21 your office goes about getting a parole warrant
22 lifted. Correct?

23 A. Correct.

24 Q. Is there -- in any part of that
25 process, is the City Department of Correction

1 Gwendolyn Hogan

2 involved in getting a warrant lifted?

3 A. Oh. No, not at all.

4 Q. Any agency of the City of New York?

5 A. No.

6 Q. Any officers or employees of the
7 City of New York?

8 A. No.

9 Q. Is it fair to say it's entirely a
10 state process?

11 A. Correct. Until we walk in with the
12 warrant lift form, the City of New York or DOC
13 is not involved.

14 Q. And to your understanding, is DOC
15 required to keep custody of people on the
16 warrants while a warrant is still active?

17 A. Yes.

18 Q. And to your knowledge, does City DOC
19 have any discretion on that issue?

20 A. No.

21 MR. KRIST: I don't think I have
22 anything else.

23 THE WITNESS: Can you hold on a
24 second?

25 Okay. Go ahead.

1 Gwendolyn Hogan

2 MS. COLLINS: I just have a couple
3 of follow-ups.

4 EXAMINATION

5 BY MS. COLLINS:

6 Q. Officer, I believe you mentioned
7 that everything needed to be documented into
8 CMS regarding a case?

9 A. Correct.

10 Q. By "everything," what do you mean?

11 A. Any actions that is done on a case.
12 Any phone calls. Any contacts. Anything you
13 do in connection to that parolee is supposed to
14 be put into CMS.

15 Q. You also mentioned, going back a
16 ways, that if a parolee did not already have a
17 warrant on him, then you would physically go to
18 Rikers to deliver the parole warrant.

19 What did you mean by a warrant on
20 the parolee?

21 A. Meaning that there was not a warrant
22 in the system, whether it be he was an
23 absconder and it's already in NCIC or that we
24 faxed it over to appearance control -- I'm
25 sorry, not appearance control -- to Central

1 Gwendolyn Hogan

2 Bookings pre-arraignment. And when they turned
3 the body over to New York City Corrections,
4 they also turned the warrant over to New York
5 City Corrections.

6 Q. So it's your understanding that when
7 a parole warrant is sent to Central Bookings,
8 for example, it becomes part of the parolee --
9 his file, for better word to describe it as.
10 Is that right?

11 A. Correct.

12 MS. COLLINS: Okay. I don't have
13 any follow-up questions.

14 We reserve our right to review the
15 transcripts under the federal rules.

16 MR. WERTHEIMER: Yes. This one
17 should be cleaner.

18 MS. COLLINS: Yes, and much shorter.

19 MR. WERTHEIMER: Yeah.

20 MR. KRIST: Yeah. We're certainly
21 all reserving the same rights.

22 MR. WERTHEIMER: Yeah.

23 All right. Thank you.

24 (Witness excused and deposition
25 concluded at 2:48 p.m.)

1 ACKNOWLEDGMENT OF DEPONENT

2 I, GWENDOLYN HOGAN, do hereby acknowledge that
 3 I have read and examined the foregoing testimony
 4 and the same is a true, correct, and complete
 5 transcription of the testimony given by me, and any
 6 corrections appear on the attached errata sheet
 7 signed by me.

8 Page/Line Correction Reason

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 Date: _____

17 GWENDOLYN HOGAN

18

19 SUBSCRIBED AND SWORN TO BEFORE ME

20 THIS _____ DAY OF _____, 20____.

21 _____

22 NOTARY PUBLIC/JUSTICE OF THE PEACE

23 MY COMMISSION EXPIRES: _____

24

25

26

27

C E R T I F I C A T E

I, Deanna J. Dean, a Licensed Court Reporter, Registered Diplomate Reporter, and Certified Realtime Reporter, do hereby certify:

That GWENDOLYN HOGAN, in the foregoing deposition named, was present and by me sworn as a witness in the matter of Joel Uviles, et al. v. The City of New York, et al., at the time and place therein specified;

That said deposition was taken before me at said time and place, and was taken down in shorthand by me, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings that took place;

That before completion of the proceedings, review of the transcript was requested.

IN WITNESS WHEREOF, I have hereunder subscribed my hand this 31st day of March, 2021.



Deanna J. Dean, LCR, RDR, CRR